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13 *Toshiba America, Inc.,*

14 *Toshiba America Consumer Products, LLC,*

15 *Toshiba America Information Systems, Inc.,*

16 *and Toshiba America Electronic Components, Inc.*

17 UNITED STATES DISTRICT COURT
18 NORTHERN DISTRICT OF CALIFORNIA
19 (SAN FRANCISCO DIVISION)

20 IN RE: CATHODE RAY TUBE (CRT)
21 ANTITRUST LITIGATION

Case No. 07-5944 SC
MDL No. 1917

22 This Document Relates to:

23 *All Indirect Purchaser Actions*

24 **DECLARATION OF MATTHEW**
25 **FRUTIG IN SUPPORT OF THE**
26 **TOSHIBA DEFENDANTS'**
27 **ADMINISTRATIVE MOTION TO**
28 **FILE DOCUMENTS UNDER SEAL**
PURSUANT TO CIVIL LOCAL
RULES 7-11 AND 79-5(d)

DECLARATION OF MATTHEW FRUTIG IN SUPPORT OF
THE TOSHIBA DEFENDANTS' ADMINISTRATIVE MOTION TO
FILE DOCUMENTS UNDER SEAL PURSUANT TO CIVIL LOCAL RULES 7-11 AND 79-5(d)

Case No. 07-5944 SC
MDL No. 1917

1 I, Matthew Frutig, hereby declare as follows:

2 1. I am an attorney with the law firm of White & Case LLP, attorneys for
3 Defendants Toshiba Corporation, Toshiba America, Inc., Toshiba America Information
4 Systems, Inc., Toshiba America Consumer Products, LLC, and Toshiba America Electronic
5 Components, Inc. (collectively, the "Toshiba Defendants"). I make this declaration in
6 support of the Toshiba Defendants' Administrative Motion to File Documents Under Seal
7 Pursuant to Civil Local Rules 7-11 and 79-5(d) (the "Motion to Seal").

8 2. Except for those matters stated on information and belief, which I believe to be
9 true, I have personal knowledge of the facts set forth herein and, if called upon, could and
10 would competently testify thereto under oath.

11 3. On June 18, 2008, the Court approved a Stipulated Protective Order (Dkt. No.
12 306) in this matter.

13 4. The Toshiba Defendants and other parties to this litigation have produced in
14 this action certain documents and information designated as either "Confidential" or "Highly
15 Confidential" pursuant to the Stipulated Protective Order.

16 5. On February 13, 2015, the Toshiba Defendants filed an administrative motion
17 to seal the following materials pursuant to Civil Local Rules 7-11 and 79-5(d):

- 18 a. Exhibit E to the Declaration of Lucius B. Lau in Support of the Toshiba
19 Defendants' Notice of Motion and Motion to Strike Class Representatives
20 with Inadequate Proof of Their Individual Purchases of Televisions or
21 Monitors ("Lau Declaration"), which is Samsung Exhibits A25, B25, D25,
22 and E25 to the Indirect Purchaser Plaintiffs' Amended and Supplemental
23 Objections and Responses to Defendant Samsung SDI Co., Ltd.'s First
24 Set of Interrogatories, dated August 31, 2011, also marked and admitted as
25 Exhibit 425 during the deposition of Brigid Terry (Wisconsin Class
26 Representative), dated October 17, 2012, that the Indirect Purchaser
27 Plaintiffs designated as "Confidential" under to the Stipulated Protective
28 Order; and

DECLARATION OF MATTHEW FRUTIG IN SUPPORT OF
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b. Exhibit O to the Lau Declaration, which is excerpts from the transcript of the deposition of Craig Stephenson (New Mexico Class Representative), dated April 26, 2012, that the Indirect Purchaser Plaintiffs designated as “Highly Confidential” under the Stipulated Protective Order.

6. Pursuant to Civil Local Rules 7-11 and 79-5(d), this Court’s General Order No. 62, Electronic Filing of Documents Under Seal, effective May 10, 2010, and the Protective Order, Exhibits E & O to the Lau Declaration should be maintained under seal pending further supporting declarations from the designating parties. Under the Stipulated Protected Order, it is the burden of the parties designating Exhibits E & O as “Confidential” or “Highly Confidential” to demonstrate that those materials should remain under seal.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 13th day of February, 2015, in Washington, D.C.


Matthew Frutig

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CERTIFICATE OF SERVICE

On February 13, 2015, I caused a copy of “DECLARATION OF MATTHEW FRUTIG IN SUPPORT OF THE TOSHIBA DEFENDANTS’ ADMINISTRATIVE MOTION TO FILE DOCUMENTS UNDER SEAL PURSUANT TO CIVIL LOCAL RULES 7-11 AND 79-5(d)” to be electronically filed via the Court’s Electronic Case Filing System, which constitutes service in this action pursuant to the Court’s order of September 29, 2008.

/s/ Matthew Frutig

Matthew Frutig

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